

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MARCUS E. THREATS,

Petitioner,

vs.

MATTHEW CATE, Secretary, et al.,

Respondents.

CASE NO. 09-CV-816-IEG (AJB)

**ORDER:**

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT [Doc. No. 13]; and**

**(2) DENYING THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS [Doc. No. 4].**

Petitioner Marcus Threats (“Petitioner”), a state prisoner proceeding pro se, filed a first amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his San Diego County Superior Court conviction. (Doc. No. 4.) Respondent<sup>1</sup> filed an Answer and Memorandum of Points and Authorities, and Petitioner filed a Traverse.

On January 5, 2010, Magistrate Judge Anthony J. Battaglia issued a Report and

---

<sup>1</sup> All references to Respondent refer to Secretary of the California Department of Corrections and Rehabilitation Matthew Cate. Petitioner names Attorney General Jerry Brown as an Additional Respondent in this case, but the Court ruled that he was not a proper Respondent in this action. (Doc. No. 9.)

1 Recommendation recommending the Court deny the first amended petition for writ of habeas corpus,  
2 and requiring any objections to be filed no later than January 27, 2010. (Doc. No. 13.) To date,  
3 Petitioner has not filed objections.

4 The Court HEREBY ADOPTS Magistrate Judge Battaglia's well-reasoned Report and  
5 Recommendation in its entirety, and DENIES the first amended petition for writ of habeas corpus.  
6 The Clerk of the Court shall close the case.

7  
**IT IS SO ORDERED.**

8  
9  
**DATED: March 3, 2010**

10  
11   
12 **IRMA E. GONZALEZ, Chief Judge**  
13 **United States District Court**

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28